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10/707,575	12/22/2003	Barry G. GOMBERT	117438	1574
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EXAMINER				
WHIPPLE, BRIAN P				
ART UNIT		PAPER NUMBER		
2152				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com
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Office Action Summary

Application No.

10/707,575

Applicant(s)

GOMBERT, BARRY G.

Examiner

Brian P. Whipple

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments, see page 6, filed 12/26/07, with respect to the 35 U.S.C. 112, second paragraph rejection of claim 11 have been fully considered and are persuasive. The 35 U.S.C. 112, second paragraph rejection of claim 11 has been withdrawn.
3. Applicant's remaining arguments filed 12/26/07 have been fully considered but they are not persuasive.
4. As to claim 1, Applicant argues the business card cannot store or receive data during user operation. Examiner is not asserting that a business card can store or receive data during user operation. The first medium of the rejection is not the business card itself, but the computer involved in the scanning of the business card and accessing of corresponding information. The computer can download such information. Clearly, a computer can receive and store such data during user operation. (It should be noted that Examiner is not stating definitively that the business card itself cannot be interpreted as storing and receiving data during user operation. It is simply a moot point that need not be discussed presently.)

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 6-9, 11-13, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads et al. (Rhoads), U.S. Publication No. 2001/0032251 A1.

7. As to claim 1, Rhoads discloses a method for providing a copy of a document ([0040], ln. 1-8), comprising:

receiving and storing on a first medium a plurality of document identifiers (Fig. 3, item 45; [0039], ln. 1-4 and 9-13; [0040], ln. 1-8; the recipient's terminal and/or associated input device is a first medium; the unique identifier is used to access the document containing the user's data, where the document may be a web page, a vCard, or an ASCII file; the user's data is available via download, which is storing; the system is available for any number of a plurality of business cards, and each business card is linked to a plurality of information such as name and contact numbers),

the first medium storing a user identifier identifying a unique user, the document identifiers, and user identifier stored in a memory, the first medium comprising the memory (Fig. 3, item 45; [0039], ln. 1-4 and 9-13; [0040], ln. 1-8; the user's data is available via download, which is storing; the system is available for any number of a plurality of business cards, and each business card is linked to a plurality of information such as name and contact numbers),

the document identifiers provided on a second medium (Fig. 3, item 43; Abstract, ln. 10-13; [0039], ln. 1-4 and 9-13; [0040], ln. 1-8; the central site and/or the associated database is a second medium),

the user identifier associated with the first medium ([0040], ln. 1-8; the user identifier of the associated business card is used by the first medium to both access and download information related to said user identifier, therefore the user identifier is associated with the first medium, as the first medium makes direct use of said user identifier),
the second medium different from the first medium (Fig. 3, items 43 and 45; [0039], ln. 1-4 and 9-13; [0040], ln. 1-8; the first medium is a recipient's terminal and/or the associated input device at the card recipient's terminal and the second medium is the central site and/or the associated database);

identifying a stored document from among a plurality of stored documents based on the document identifier ([0026], ln. 2-5; [0040], ln 1-8; the unique identifier is used to index the on-line database to access the document containing the user's data); and
copying the identified document ([0040], ln. 3-8).

8. As to claim 2, Rhoads discloses receiving on the first medium an address identifier associated with the document identifier ([0040], ln. 17-21); and

delivering the copied document to an address indicated by the address identifier ([0040], ln. 17-23).

9. As to claim 6, Rhoads discloses collecting the document identifier ([0032], ln. 1-14), prior to receiving the document identifier ([0032], ln. 1-4; [0033], ln. 3-8; [0039], ln. 1-4; the registration process, whereby a document identifier is collected for watermarking, is prior to the distribution of the watermarked business card to recipients; therefore, the first medium cannot receive the document identifier prior to the registration linked to the collection of the document identifier),

based on a display of a copy of a digital document ([0032], ln. 1-14; the registration occurs on the registering user's terminal),

wherein the copy of the digital document is displayed on a third medium ([0032], ln. 1-14; the interface on the registering user's terminal may be in the form of a dialog box, a web browser, application, and/or other communication mechanisms),

the third medium different from the first and second media ([0032], ln. 1-14; the registration occurs on the registering user's terminal, as opposed to the recipient's terminal or the central site).

10. As to claim 7, Rhoads discloses receiving the document identifier comprises scanning or sensing the document identifier ([0028], ln. 1-6; [0039], ln. 1-4).

11. As to claim 8, Rhoads discloses the document identifier is in a form of a data glyph contained on a business card ([0033], ln. 3-8), and

receiving the document identifier comprises reading the data glyph from the business card (Fig. 3; [0039], ln. 1-4).

12. As to claim 9, Rhoads discloses the document identifier is in a form of a bar code ([0073]), and

receiving the document identifier comprises scanning the bar code (Fig. 3; [0028], ln. 1-6; [0039], ln. 1-4; [0073]).

13. As to claim 11, Rhoads discloses the portable device is one of a personal data assistant, a cellular phone, or a pocket personal computer ([0029], ln. 1-5).

14. As to claim 12, Rhoads discloses the document identifier is in a form of a smart badge ([0072], ln. 7-10), and

receiving the document identifier comprises sensing the document identifier from the smart badge ([0072], ln. 7-10).

15. As to claim 13, Rhoads discloses the document identifier is in a form of a token ([0064]), and

receiving the document identifier comprises collecting the document identifier from the token ([0064]).

16. As to claims 15-17, the claims are rejected for the same reasons as claim 1 above.

17. As to claim 18, the claim is rejected for the same reasons as claim 8 above.

18. As to claim 19, the claim is rejected for the same reasons as claims 9 and 12-13 above.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads as applied to claim 2 above, in view of Aldstadt et al. (Aldstadt), U.S. Publication No. 2005/0149765 A1.

21. As to claim 3, Rhoads discloses the invention substantially as in parent claim 2, including an address identifier in the form of a printed code (Abstract), and receiving a unique identifier comprises scanning the address identifier from the printed code (Abstract; Fig. 3).

The identifier in a printed code and scanned is the unique identifier discussed for claim 1 above.

Rhoads is silent on the address identifier used for delivery, as discussed for claim 2 above, being in the form of a printed code and scanned.

However, Aldstadt discloses the address identifier is in a form of a printed code ([0012]), and

receiving the address identifier comprises scanning the address identifier from the printed code (Fig. 1A; [0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rhoads by including the address identifier in the printed code and receiving the address identifier by scanning the printed code as taught by Aldstadt in order to enable automated equipment to aid in the sorting, tracking, and delivery of documents (Aldstadt: [0007]).

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads and Aldstadt as applied to claim 3 above, and further in view of Needham, U.S. Publication No. 2003/0089766 A1.

23. As to claim 4, Rhoads and Aldstadt disclose the invention substantially as in parent claim 3, including scanning the address identifier (Rhoads: Abstract; Aldstadt: [0012]), but are silent on scanning an identifier from an event registration badge.

However, Needham discloses scanning an identifier from an event registration badge ([0004]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rhoads and Aldstadt by scanning an identifier from an event registration badge as taught by Needham for purposes including receiving documents such as pictures of one's self at an event ([0003]).

24. Claims 5, 10, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads as applied to claims 1-2 and 17 above, in view of Needham.

25. As to claim 5, Rhoads discloses the invention substantially as in parent claim 2, but is silent on the address identifier is in a form of a radio frequency identification, and receiving the address identifier comprises receiving the radio frequency identification.

However, Needham discloses the address identifier is in a form of a radio frequency identification ([0013], ln. 1-9), and

receiving the address identifier comprises receiving the radio frequency identification ([0013], ln 1-9; [0017], ln. 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rhoads by using radio frequency identification as taught by Needham in order to make use of a well known technology for wirelessly

communicating (Needham: [0013], ln. 1-9) thus eliminating the need for wired communication, wired communication being less convenient for users than wireless communication.

26. As to claim 10, Rhoads discloses the invention substantially as in parent claim 1, but is silent on the document identifier is in a form of an infrared data association, and

receiving the document identifier comprises transferring the infrared data association from a portable device.

However, Needham discloses the document identifier is in a form of an infrared data association ([0013], ln. 1-13), and

receiving the document identifier comprises transferring the infrared data association from a portable device ([0013], ln. 1-13; [0017], ln. 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rhoads by using infrared communication as taught by Needham in order to make use of a well known technology for wirelessly communicating (Needham: [0013], ln. 1-9) thus eliminating the need for wired communication, wired communication being less convenient for users than wireless communication.

27. As to claim 14, Rhoads discloses the invention substantially as in parent claim 2, but is silent on the document identifier is in a form of a radio frequency identification, and receiving the document identifier comprises receiving the radio frequency identification.

However, Needham discloses the document identifier is in a form of a radio frequency identification ([0013], ln. 1-9), and receiving the document identifier comprises receiving the radio frequency identification ([0013], ln 1-9; [0017], ln. 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rhoads by using radio frequency identification as taught by Needham in order to make use of a well known technology for wirelessly communicating (Needham: [0013], ln. 1-9) thus eliminating the need for wired communication, wired communication being less convenient for users than wireless communication.

28. As to claim 20, the claim is rejected for the same reasons as claim 10 above.

Conclusion

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/6/08

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